

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 201504175	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/26/2015 10:13 AM	Location of Incident: § 87(2)(b) over the phone		Precinct: 19	18 Mo. SOL 11/26/2016	EO SOL 11/26/2016
Date/Time CV Reported Tue, 05/26/2015 11:40 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/26/2015 11:40 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Edi Radoncic	31617	953285	019 PCT
2. An officer			
3. POM Donald Aridas	30787	939882	019 PCT
4. POM Robert Wong	25568	948442	019 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Edi Radoncic	Abuse: PO Edi Radoncic entered and searched § 87(2)(b) in Manhattan	§ 87(2)(b)
B.POM Donald Aridas	Abuse: PO Donald Aridas entered and searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
C.POM Robert Wong	Abuse: PO Robert Wong entered and searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
D. An officer	Abuse: Over the phone, an officer refused to provide her name to § 87(2)(b)	§ 87(2)(b)

### Case Summary

On May 26, 2015, § 87(2)(b) filed this complaint via telephone.

On May 26, 2015, at approximately 10:15 a.m., Dr. § 87(2)(b) and § 87(2)(b) from Adult Protective Services (APS) were escorted to § 87(2)(b)'s apartment at § 87(2)(b) in Manhattan by PO Edi Radoncic, PO Donald Aridas, and PO Robert Wong pursuant to an order granting them access to the apartment to conduct a mental health evaluation on § 87(2)(b) (see Board Review 01). The officers pushed her unlocked door open and when § 87(2)(b) attempted to push it closed, PO Radoncic held it open (**Allegation A**). § 87(2)(b) told everyone to leave and the officers insisted that they had to enter the apartment. PO Aridas pushed the door open further (**Allegation B**) and the officers and social workers entered the apartment (**Allegations A cont'd, B cont'd, and C**) and entered § 87(2)(b)'s son § 87(2)(b)'s room, but § 87(2)(b) did not see what they were doing or hear what they were saying in the room. They remained in § 87(2)(b)'s room for about five minutes and then exited the apartment and went downstairs in an elevator.

At 1:28 p.m., § 87(2)(b) called the 19th Precinct to find out why officers were sent to her home. She spoke to a female and § 87(2)(b) asked for this female's name, but she allegedly hung up on § 87(2)(b) (**Allegation D**).

### Mediation, Civil and Criminal Histories

- Mediation was offered to § 87(2)(b) during her intake call on May 26, 2015. § 87(2)(b) rejected mediation because officers entered her home on multiple prior occasions and she believed someone is bribing them to do so.
- As of August 6, 2015, § 87(2)(b) has not filed a notice of claim in regards to this incident (see Board Review 02).
- § 87(2)(b) does not have any prior criminal convictions.

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- PO Edi Radoncic has been a member of the NYPD for 3 years and has no prior CCRB allegations.
- PO Donald Aridas has been a member of the NYPD for 9 years and has 6 prior CCRB allegations involving 3 cases with no substantiated allegations. § 87(2)(g) [REDACTED]  
[REDACTED]
- PO Robert Wong has been a member of the NYPD for 6 years and has no prior CCRB allegations.

## Findings and Recommendations

### Allegations Not Pleaded

§ 87(2)(b) stated that when PO Aridas pushed the door open, she was pushed backwards, causing her back to make contact with a wall directly behind her. § 87(2)(b) did not know if PO Aridas pushed her directly or if the force of him pushing the door open pushed her backwards, but she noted that she was attempting to keep PO Aridas out of the apartment at the time. PO Aridas then allegedly squeezed § 87(2)(b)'s arms and pulled them behind her back as if he was going to handcuff her. PO Aridas denied making physical contact with § 87(2)(b) and observing § 87(2)(b) fall backwards or make contact with a wall. However, seeing as these actions could have been taken to overcome § 87(2)(b)'s resistance and gain her compliance so the officers could execute their lawful entry into her apartment, a **Force: Physical Force** allegation is not pleaded and is instead subsumed within Allegation B.

**Allegation A – Abuse of Authority: PO Edi Radonic entered and searched § 87(2)(b) in Manhattan.**

**Allegation B – Abuse of Authority: PO Donald Aridas entered and searched § 87(2)(b) in Manhattan.**

**Allegation C – Abuse of Authority: PO Robert Wong entered and searched § 87(2)(b) in Manhattan.**

§ 87(2)(b) stated that the officers pushed open her unlocked door and when she attempted to push it closed, PO Radonic prevented her from doing so by holding it open with his foot and his nightstick. § 87(2)(b) refused to let anyone into the apartment, but PO Aridas pushed past her into the apartment. Dr. § 87(2)(b) and the remaining officers then entered the apartment. The officers and APS personnel entered § 87(2)(b)'s room, where they remained for approximately five minutes and then exited the apartment.

PO Radonic stated that when he arrived at the apartment, the door was closed but not fully closed such that the latch was engaged. PO Radonic knocked on the door and announced the officers' presence, but there was no response. PO Radonic stated that Dr. § 87(2)(b) and § 87(2)(b) showed § 87(2)(b) a court order to assess § 87(2)(b)'s mental state and living conditions. § 87(2)(b) attempted to close the door, but PO Radonic held it open with his hand. PO Radonic stated that after some time, § 87(2)(b) voluntarily let the officers and APS personnel into the apartment. PO Wong's account of the incident is generally consistent with PO Radonic's. PO Aridas stated that he arrived at the apartment approximately ten minutes after PO Radonic and PO Wong and that § 87(2)(b) refused to let the officers into the apartment and pushed the door against their feet. PO Aridas "constantly" ordered § 87(2)(b) to step away from the door and let them into the apartment, but she did not comply. PO Aridas then pushed the door forward while § 87(2)(b) was on the other side of the door. The officers and the APS personnel then entered the apartment.

An Order of Access (Index # § 87(2)(b)) from Hon. § 87(2)(b) (Board Review 01) states that § 87(2)(b) "is a person in need of protective services" and that she "has refused social workers access to herself and her residence." The document goes on to state that "an Order of Access is hereby granted to the officials of the Department of Social Services of the City of New York... accompanied by one or more officers of the New York City Police Department (NYPD), as deemed reasonably necessary by NYPD for the safety of all concerned, to enter the premises located at § 87(2)(b) § 87(2)(b) New York, New York 10128, to conduct an evaluation to determine whether § 87(2)(b) is a person in need of adult protective services." This order was signed on § 87(2)(b) and "shall remain in effect until executed or until thirty (30) days after signing of this Order, whichever comes first."

§ 87(2)(g)

**Allegation E – Abuse of Authority: Over the phone, an officer refused to provide her name to § 87(2)(b)**

§ 87(2)(b) stated that at approximately 1:28 p.m., she called the 19<sup>th</sup> Precinct at (212) 452-0600 to ask why the officers were sent to her residence. § 87(2)(b) did not recall if she reached an automated prompt or dialed an extension when she called this number. The woman she was speaking to, who did not identify herself, said the officers were supposed to be at her apartment. § 87(2)(b) assumed that this woman was a police officer, but was not sure that this was the case. § 87(2)(b) explained what happened and asked this woman for her name, but the woman allegedly hung up on § 87(2)(b).

When one dials the telephone number provided by § 87(2)(b) an pre-recorded message states that the caller has reached the 19<sup>th</sup> Precinct and requests the caller to select an extension. The roll call (Board Review 04) states that PAA Midyette was the Telephone Switchboard Operator during Tour 2 of May 26, 2015. The Telephone Dispatch Log (Board Review 05) states that PAA Midyette was away from the telephone from 1:05 p.m. to 2:05 p.m. while she was on her meal break. No officer signed into the Telephone Dispatch Log during this time.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

(b)

Pod: 2

Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date